

Tom O'Brien

**Comments on:
Disciplinary Regulation 500**

This is to urge the Board to withdraw the proposed rewrite of the professional guardian disciplinary rules.

There has been no indication to date of any particular problem with the structure of the disciplinary regulations. There is nothing in the minutes of the Board meetings to suggest that any discussion occurred leading up to this rewrite. There has been no significant event that I or anyone I have asked knows of leading up to this proposal.

Similarly, it does not appear that any board member had a hand or was consulted in the drafting of this proposal. This is contrary to the spirit of GR 23, contrary to past practices of the Certification Board, and contrary to good practice.

The proposal is radical, in the dictionary sense of being an extreme change in existing practices. Making an extreme change of this sort is not just likely to result in undesired consequences, it is guaranteed to do so.

The changes are highly controversial. This sort of policy making requires considerably more respect for the opinions of others than the sledgehammer approach that has been taken here.

The existing discipline rule is the result of very painstaking work by a board composed of people who had a high level of practical experience in guardianship, as well as a deep understanding of legal and disciplinary matters. Since its original enactment, the rule has been amended and improved a number of times. Discarding this work out of hand is thoughtless, to say the least, and is unwise.

I respectfully suggest that the Board start over, beginning with discussing whether or not there is a problem.